

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES LARRY HARRIS,

PLAINTIFF,

vs.

THE HARTFORD, et. al.,

DEFENDANTS.

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CIVIL ACTION NO. 2:07cv508-WHA

AMENDED COMPLAINT

1. Defendant is a corporation engaged in the business of issuing insurance policies.

2. On or about the 1st day of November, 1999, the Defendant issued Plaintiff's employer, DeShazo Crane Company, LLC, a policy of group disability insurance in which Plaintiff was a participant.

3. Said policy is an employee benefit plan that is regulated by the Employee Retirement Income Security Act (hereinafter called "E.R.I.S.A."), 29 U.S.C. § 1001 et seq.

4. This action seeks to recover benefits due to Plaintiff under the terms of said policy or plan and seeks to clarify Plaintiff's rights to future benefits under the terms of said policy or plan.

5. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 1132 (e).

6. On or about December, 2004, Plaintiff filed a claim with Defendant seeking benefits under said policy or plan.

7. Defendant wrongfully denied said claims.

8. Plaintiff continues to be eligible for present and future benefits under said policy or plan, and the Defendant has wrongfully denied Plaintiff's claims for the same.

WHEREFORE, the Plaintiff prays the Court as follows:

1. For a judgment against the Defendant in the sum of all claims for past benefits wrongfully withheld from Plaintiff by Defendant; and for a judgment against Defendant ordering Defendant to pay all similar claims of the Plaintiff in the future, and;
2. for an award of attorney's fees pursuant to 29 U.S.C. § 1132 (g), and;
3. for such other, further, or different relief as may be just and proper.

RESPECTFULLY SUBMITTED,

By: //s// Clifford W. Cleveland
Attorney Code: CLE007

OF COUNSEL:

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Cleveland & Colley, P. C.
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using electronic filing system which will send notification of such filing to the following:

Russel Myles, Esquire
Anne Laurie Smith, Esquire
**MCDOWELL, KNIGHT,
ROEDDER & SLEDGE, LLC**
Post Office Box 350
Mobile, Alabama 36601

//s// Clifford W. Cleveland, Esquire
(CLE007)